

CAUSE NO. 2020-2175-CCL2

WALTER WEBER § IN THE DISTRICT COURT OF
Plaintiff §
§
VS. § GREGG COUNTY, TEXAS
§
SCHNEIDER NATIONAL CARRIERS, INC. §
Defendants § JUDICIAL DISTRICT

PLAINTIFF'S FIRST AMENDED PETITION with REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, WALTER WEBER (herein after referred to as Plaintiff Weber), files this First Amended Petition against SCHNEIDER NATIONAL CARRIERS, INC. (herein after referred to as Defendant Schneider) and alleges as follows:

I.
DISCOVERY PLAN LEVEL 3

Plaintiff intends to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.4. Plaintiff will seek a Court Order with discovery control plan shortly after Defendant files its answer

II.
CLAIM FOR RELIEF

Plaintiff seeks monetary relief not more than \$1,000,000. Plaintiff Weber has sustained a serious neck injury and will likely require surgical intervention. Thus, Plaintiff reserves the right to modify this amount as the circumstances warrant.

EXHIBIT "A"

III.
PARTIES

Plaintiff is an individual residing in Moore, Frio County, Texas. The last three numbers of Plaintiff's Driver's License are 498 and the last three numbers of Plaintiff's Social Security Number are, 456.

Defendant Schneider National Carriers, Inc. is a domestic entity which is authorized to do business in Texas. It may be served by serving its attorney of record, Mark Burck of Hanszen Laporte at 14201 Memorial Drive Houston, Texas 77079 or wherever he may be found in any manner authorized by the Texas Rules of Civil Procedure. Service of process is requested by private process as authorized by this Court.

IV.
JURISDICTION

This Court has subject-matter jurisdiction over this lawsuit and the damages sought are within the jurisdictional limits of this Court.

V.
VENUE

Venue is proper in Gregg County, Texas, because the incident that forms the basis of this lawsuit occurred in Gregg County, Texas.

VI.
FACTS

This is a non-subscriber work injury case. On or about September 21, 2020, Plaintiff, who was employed by Defendant Schneider National Carriers, Inc., was working as a truck driver and was delivering a load to a Dollar General in Longview, Texas. When Plaintiff went to open the back of his truck to begin unloading the boxes, many of the boxes had not been properly secured when they were loaded onto the truck, and they fell on top of Plaintiff, injuring

his neck.

Defendant Schneider is responsible for loading and packing the truck that Plaintiff was driving. Their employees negligently failed to adequately secure the boxes in the truck, which caused them to fall on top of Plaintiff. Thus, Defendant was negligent and such negligence proximately caused Plaintiff's injuries and damages.

VII.
CAUSES OF ACTION- Negligence
Defendant Schneider National Carriers, Inc.

Defendant Schneider National Carriers, Inc. is a "non-subscriber" meaning it does not carry workman's compensation insurance. Thus, it has waived all defenses that Plaintiff was comparatively negligent. Defendant Schneider had a duty to provide Plaintiff with a reasonably safe place to work, to properly supervise it's employees, to adequately train it's employees and to ensure proper safety measures and protocols were followed. Defendant Schneider National Carriers, Inc. breached its duty to Plaintiff in all these respects.

VIII.
DAMAGES

As a result of the incident, Plaintiff Pristouris has suffered serious injuries to his neck. Plaintiff is currently receiving treatment for these injuries, and the extent and duration of the injury is not fully known at this time. Plaintiff's injuries have been debilitating, and have limited his ability to do normal activities of daily living. Because his bodily injuries were proximately caused by the Defendant's negligence, Plaintiff is entitled to reasonable and proper compensation for all the damages Plaintiff sustained including, but not limited to the following:

- a. past and future medical expenses;

- b. past and future physical pain and mental anguish;
- c. past and future physical impairment;
- d. past and future disfigurement;
- e. past and future lost wages; and
- f. past and future lost earning capacity.

IX.
JURY DEMAND

Plaintiff demands a jury trial and has tendered the appropriate fee with his Original Petition.

X.
REQUEST FOR DISCLOSURE

Under Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant Schneider National Carriers, Inc. disclose, within 50 days of service of this request, the information or material described in Rule 194.2.

XI.
PRAYER

Plaintiff prays that he have judgment against Defendant, for actual damages shown and proved at trial, for prejudgment and post-judgment interest, for costs of court and for all other relief, legal and equitable, to which he is entitled.

XII.
DOCUMENTS CONTEMPORANEOUSLY SERVED ON DEFENDANT

In addition to the Request for Disclosure, which is incorporated into this Petition, Plaintiff has attached the following written discovery, which is being served on Defendant:

- a. Plaintiff's Request for Production to Defendant Schneider National Carriers, Inc.
- b. Plaintiff's Interrogatories to Defendant Schneider National Carriers, Inc.

Respectfully submitted,

THE PACKARD LAW FIRM

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